

# Watch Tv

Digital Cable - High Speed Internet

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February 3, 2006

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

Re: *Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems - ET Docket No. 00-258* – WRITTEN EX PARTE COMMUNICATION

Dear Ms. Dortch:

In a recent meeting between the Wireless Communications Association International, Inc. ("WCA") and representatives of the Commission's Office of Engineering and Technology ("OET"), WCA stressed that most of those who utilize Broadband Radio Service ("BRS") channels 1 and 2 for the provision of wireless broadband services to rural areas would not be replacing their fixed customer premises equipment ("CPE") within the next ten years were it not for the Commission's forced migration from 2150-2162 MHz to clear spectrum for the Advanced Wireless Services ("AWS") auction. I am a member of the Board of Directors of WCA, and am writing on behalf of W.A.T.C.H. TV Company to confirm that WCA is absolutely correct.

As we explained in our December 12, 2005 reply to the *Fifth Notice of Proposed Rulemaking*, we are currently utilizing BRS channels 1 and 2 to provide the customer-to-base wireless link in a frequency division duplex system that provides wireless broadband services to over 5,000 subscribers, with more subscribers being added each month.<sup>1</sup> We utilize BRS channels 1 and 2 to provide the return link for our most rural subscribers, most of whom do not have access to competitive cable modem or DSL offerings.<sup>2</sup> We began deploying our two-way wireless broadband service in 2001, and utilize CPE that we expect will have a life

<sup>1</sup> See Reply Comments of W.A.T.C.H. TV Company, ET Docket No. 00-258, at 1-2 (filed Dec. 12, 2005). The downstream, base-to-subscriber link is provided utilizing channels in the 2.5 GHz band.

<sup>2</sup> The 2.1 GHz band has superior propagation characteristics to the 2.5 GHz band, which made it ideal for providing return links from comparatively low-power subscriber units. In addition, the technology that we have deployed for our BRS channel 1 and 2 system utilizes outdoor antennas with relatively high gain, allowing greater EIRP than would be possible otherwise.

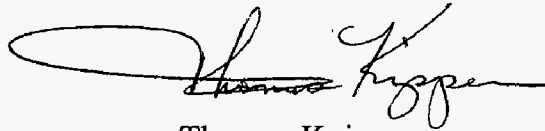
expectancy of 20 years or more.<sup>3</sup> The technology we employ is capable of providing downstream speeds of over 3 megabits per second and upstream speeds of 756 kilobits per second although, quite frankly, our experience has been that most subscribers strongly prefer less expensive offerings at slower speeds.

Based on our knowledge of the local marketplace, we do not contemplate any need to replace our BRS channel 1 and 2 CPE for the foreseeable future. Our current system is designed to more than meet the capacity requirements of our market for years to come, and our CPE is well within its useful life. Moreover, to the extent that W.A.T.C.H. TV Company's assumptions regarding marketplace demand for higher speed services prove incorrect and we need to increase the speeds offered our subscribers, the solution will be to re-sectorize the antenna system at our base station site, not to replace the CPE at the residences of our rural subscribers.

In short but for the upcoming involuntary relocation from BRS channels 1 and 2 to clear spectrum for auction to the major mobile carriers, I would have envisioned retaining our current CPE in the field indefinitely, and certainly for more than fifteen additional years. Thus, in crafting rules to govern the involuntary relocation of BRS channel 1 and 2 licensees from the 2150-2162 MHz band, the Commission cannot, and should not, assume that BRS channel 1 and 2 CPE would have been replaced over the next ten years even without the involuntary relocation. That is simply not the case.

Should you have any questions regarding W.A.T.C.H. TV Company's deployments within the 2150-2162 MHz band, please feel free to contact me.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas Knippen", with a large, stylized initial "T" and "K".

Thomas Knippen  
Vice President and General Manager

cc: Bruce Franca  
Julius Knapp  
Alan Scrim  
Geraldine Matisse  
Jamison Prime  
Priya Shrinivasan  
Fred Campbell  
Barry Ohlson  
John Giusti

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<sup>3</sup> It is worth noting that our 2.5 GHz band video system has now been operating for fourteen years, and while some CPE was replaced when we converted that system from analog to digital technology, other CPE was not replaced and continues to operate flawlessly.

Ms. Marlene H. Dortch

February 3, 2006

Page 3

Aaron Goldberger